

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

**TRANSLATION**

**PCT**

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing  
(day/month/year)

Applicant's or agent's file reference <b>SS1949</b>	<b>FOR FURTHER ACTION</b> See paragraph 2 below
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International application No. <b>PCT/JP2005/000068</b>	International filing date (day/month/year) <b>06.01.2005</b>	Priority date (day/month/year) <b>06.01.2004</b>
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International Patent Classification (IPC) or both national classification and IPC

Applicant  
**SHISEIDO CO., LTD.**

1. This opinion contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the opinion
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/IP	Authorized officer
Facsimile No.	Telephone No.

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PCT/JP2005/000068'

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material  
☐ in written format  
☐ in computer readable form
  - c. time of filing/furnishing  
☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	3, 9, 11-18	YES
	Claims	1, 2, 4-8, 10	NO
Inventive step (IS)	Claims	1-18	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-18	YES
	Claims		NO

2. Citations and explanations:

Documents

Document 1: JP 10-120524 A (Kao Corp.) 5 December 1998

Document 2: JP 2003-12492 A (Noevir Co., Ltd.) 15 January 2003

Commentary

Document 1 (Claims) describes a transparent or translucent emulsion cosmetic containing silicone oil having a kinetic viscosity of  $\leq 10 \text{ cSt}$  at  $25^\circ \text{C}$  (corresponding to the oil of claim 1 of this application), a silicone-based surfactant (corresponding to the lipophilic nonionic surfactant of claim 1 of this application) and a polyoxyethylene-added nonionic surfactant, which is a hydrophilic surfactant (corresponding to the hydrophilic nonionic surfactant of claim 1 of this application). Example 23 describes a translucent cosmetic lotion containing 1,3-butylene glycol (corresponding to the aqueous solvent of the claims of this application). Because this composition is translucent and stably contains silicone oil, this authority finds that it is a monophasic microemulsion composition that satisfies requirement (D) of claim 1 of this application.

In Example 3 of document 2 the polyoxyethylene (80) hardened castor oil and polyoxyethylene (20) sorbitan fatty acid ester of coconut oil correspond to the hydrophilic nonionic surfactant of claim 1 of this application; the sucrose monooleate acid ester corresponds to the lipophilic nonionic surfactant of claim 1 of this application; the olive oil corresponds to the oil of claim 1 of this application; and the 1,3-butylene glycol and polyethylene glycol (average molecular weight 4000) correspond to the aqueous solvent of claim 1 of this application. Furthermore, because this composition is translucent in appearance immediately after manufacture, it is a microemulsion with excellent shelf-life stability, and therefore this authority finds that it is a monophasic microemulsion composition that satisfies requirement (D) of claim 1 of this application.